

### REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

### Objections

Claims 26-41 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Each of claims 26 and 27 have been rewritten in independent form to include the recitations of base claim 1 and intervening claims 54 and 24. Therefore, these claims are in condition for allowance. Since claims 28-32 depend from claim 27, these claims are similarly in condition for allowance.

Claim 33 has been rewritten in independent form to include the recitations of base claim 1 and intervening claim 54. Therefore, this claim is in condition for allowance. Since claims 34-41 depend, either directly or

indirectly, from claim 33, these claims are also in condition for allowance.

#### Rejections under 35 U.S.C. § 102

Claims 1-12, 14, 16-25, 42-44, 46 and 48-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. US-2002/0196188 ("the Holt publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claims 1, 24, 42-44, 46 and 48-54 have been canceled, the rejection with respect to these claims is moot. Since claims 2-12, 14, 16-23 and 25 have been amended to depend, either directly or indirectly, from allowable claim 33, these claims are now in condition for allowance.

#### Rejections under 35 U.S.C. § 103

Claims 13, 15, 45 and 47 stand rejected under U.S.C. § 103(a) as being unpatentable over the Holt publication in view of either one of F.A. Katsriku, "Propagation Characteristics of Wireless Channels," lecture notes, (published at least by February 2003) ("the Katsriku article") or D. Jenn, "Overview of Electromagnetic Wave Propagation," lecture notes (published at least by Spring 2003) ("the Jenn article"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claims 45 and 47 have been canceled, the rejection with respect to these claims is moot. Since

claims 13 and 15 have been amended to depend from allowable claim 33, these claims are now in condition for allowance.

#### New claims

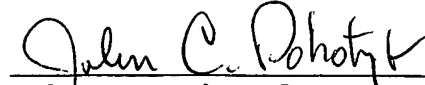
New claims 56, 57 and 58 recite apparatus including means plus function elements corresponding to the acts recited in allowable claims 26, 27 and 33, respectively. Accordingly, these claims are in condition for allowance, require no further consideration, and should be entered. Examiner Mull indicated to the undersigned, via telephone on May 11, 2006, that he saw no problem entering these claims.

#### Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. The Examiner indicated to the undersigned that he saw no problem entering these claims. If, however, there is any issue which would preclude entry of these claims, the undersigned urges the Examiner to telephone him so that any outstanding issues can be resolved via Examiner's Amendment. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

May 11, 2006



John C. Pokotylo, Attorney

Reg. No. 36,242

Tel.: (732) 542-9070

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on May 11, 2006 with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



John C. Pokotylo

36,242

Reg. No.